

REMARKS

Applicants thank the Examiner for indicating that the Request for Continued Examination is proper. Applicants note that a Request for Continued Examination (RCE), and not a Continued Prosecution Application (CPA), was filed on May 14, 2003.

Applicants thank the Examiner for confirming (via teleconference with Applicants' representative on October 17, 2003) that the rejections of claim "1" in the detailed portion of the instant Office Action were actually intended to be directed to independent claim "24."

Status of the Application

Claims 24-31 and 43-93 are all the claims pending in the Application, as claims 47-93 are hereby added. Claims 24-31 and 43-46 have been rejected.

Drawings

The Examiner has objected to the Drawings as allegedly failing to show that the "press member is separate from said cartridge case," as recited in independent claim 24. Applicant directs the Examiner to at least FIGS 25, 26A and 26B, which show a discrete press member 143, and, for example, FIG. 27, which shows such a discrete press member 143 provided separately within upper case 141 and lower case 142 of the illustrated cartridge. Similar arrangements are shown throughout the Figures of this Application. Accordingly, Applicants respectfully request the withdrawal of this objection.

Anticipation Rejections

The Examiner has rejected claim 24 under 35 U.S.C. § 102(b) as being anticipated by *Hamlin* (US 4,935,751; hereinafter "*Hamlin*") and claims 24, 43 and 44 under 35 U.S.C. §

102(b) as being anticipated by *Miyazawa et al.* (US 5,896,151; hereinafter “*Miyazawa*”). This rejection is respectfully traversed.

The Examiner takes the position that either *Hamlin* or *Miyazawa* disclose all of the features of independent claim 24.

However, Applicants respectfully submit that neither *Hamlin* nor *Miyazawa* teach or suggest that the “press member is held by the cartridge case so that the consumption of ink from the ink pack does not cause movement of the press member,” as recited in claim 24.

Specifically, plate 19 of *Hamlin*, which the Examiner has equated to the recited “press member,” is “affixed” to the ink bag 23 (see col. 2, lines 56-57 and col. 3, lines 8-9) and therefore moves as the ink bag 23 is drained to indicate the remaining ink supply in ink bag 23.

Similarly, the high-rigidity plate members 25 and 40 of *Miyazawa* are arranged on top of ink bag 20 (see col. 3, lines 13-15), and move as the ink bag 20 is drained to prevent oscillation in the ink bag 20 (col. 3, lines 55-60).

Thus, as plate 19 and members 25, 40 are specifically designed to move as their respective ink bags are drained, they cannot reasonably be read as being “held by the cartridge case so that the consumption of ink from the ink pack does not cause movement of the press member.”

Accordingly, Applicants respectfully submit that independent claim 24 is patentable over the applied references. Further, Applicants respectfully submit that rejected dependent claims 43 and 44 are allowable, *at least* by virtue of their dependency.

Obviousness Rejection

The Examiner has rejected claims 24-31 under 35 U.S.C. § 103(a) as being unpatentable over *Baringa* (US 6,030,074; hereinafter “*Baringa*”) in view of *Yoshizawa et al.* (JP 08-230204; hereinafter “*Yoshizawa*”), *Okubo et al.* (US 6,106,112; hereinafter “*Okubo*”) and *Nakazawa et al.* (EP 0 928 694 A1; hereinafter “*Nakazawa*”), and claims 45 and 46 under 35 U.S.C. § 103(a) as being unpatentable over *Miyazawa* in view of *Yoshizawa*. These rejections are respectfully traversed.

The Examiner takes the position that *Baringa* discloses some of the features recited in independent claim 24, but fails to teach or suggest the recited “press member.” Applicants agree that *Baringa* fails to teach or suggest the recited “press member.”

Nevertheless, the Examiner applies: (1) *Yoshizawa*, taking the position that ribs 4a disclose the recited “press member;” (2) *Okubo*, taking the position that detection plate 18U also discloses that the recited “press member” is “separate from the cartridge case” (as is also recited in independent claim 24); and (3) *Nakazawa*, seemingly taking the position that it discloses various other features recited in dependent claims.

The Examiner alleges that one of skill would have been motivated to modify *Baringa* in view of *Yoshizawa*, *Okubo* and *Nakazawa* “for the purpose of providing ribs on a surface of an ink cartridge case to prevent the damage due to vibration or impact during transport” (Office Action, pg. 6, 1st full par.).

However, Applicants respectfully submit that one of skill in the art at the time of the invention would not have modified *Barinaga* in view of *Yoshizawa*, *Okubo* and *Nakazawa*, as suggested by the Examiner.

Specifically, the ribs 4a of *Yoshizawa* are arranged to contact the upper surface of ink container 1 to secure the ink container 1 against vibration and movement (*see* abstract).

However, *Okubo* and *Nakazawa* both utilize plates (18U and 63, respectively) arranged between an upper surface of their ink bags (22U and 6, respectively) and their respective cases to indicate a filling level of the ink bags. Accordingly, one of skill would not have modified *Barinaga* to include both the ribs 4a of *Yoshizawa* and the plates 18U of *Okubo* and/or 63 of *Nakazawa*, as these features would interfere with the function of the other. Specifically, the ribs could no longer support the bag if plates were arranged therebetween, and the ribs would also impede the movement of the plate (and any resulting indication of fill level).

Thus, it is clear that the ribs of *Yoshizawa* and the plates of *Okubo* and *Nakazawa* are provided for completely different purposes and function in non-complementary fashions. Thus, one of skill at the time of the invention would not have been motivated to modify *Barinaga* as the Examiner has alleged.

Thus, Applicants respectfully submit that independent claim 24 is patentable over the applied references. Further, Applicants respectfully submit that rejected dependent claims 25-31, 45 and 46 are allowable, *at least* by virtue of their dependency.

Thus, Applicants respectfully request that the Examiner withdraw this rejection.

New Claims

Claims 47-93 are hereby added. Claims 47-93 are fully supported *at least* by FIGS. 25, 26A, 26B, 26C and 27 of the instant Application. Claims 60 and 77 are respectfully submitted to be allowable by virtue of the features recited therein, and claims 47-59, 61-76 and 78-93 are respectfully submitted to be allowable *at least* by virtue of their dependency.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 24-31 and 43-93 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 24-31 and 43-93.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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